IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 872/2006

KHOOSAR & ORS. Vs. STATE OF RAJASTHAN

DATE: 24.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.K. Mathur for the accused-petitioners.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Ashish Chouhan for the complainant.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 01.07.2006 passed by the Additional District & Sessions Judge (Fast Track), Kishangarh-Bas, District Alwar in Criminal Case No. 26/2006, whereby the Court below has framed the charges against the accused-petitioners for the offences under Sections 147, 452, 323 and 302 r/w 149 IPC.

The main submission of the learned counsel for the accused-petitioner is that in the postmortem report the Medical Board has not given positive opinion with regard to death of deceased Wahid and the FSL report also given negative opinion regarding any poison etc.

Thus, since the Medical Board has not given any positive opinion and the FSL also given negative report, in such circumstances, no case under Section 302 IPC is made out against the accused-petitioners.

I have heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State as well as learned counsel for the complainant and have also gone through the impugned order dated 01.07.2006 as also the relevant record.

The trial Court has considered all the submissions which are raised here in this revision petition and having considered the postmortem report as well as the FSL report, prima-facie case is made out against the accused-petitioners. Even otherwise also, as per the settled proposition of law laid by the Hon'ble Supreme Court and this Court, this is not a stage to appreciate the evidence and for framing charge it is enough to find out whether any prima-facie case is made out against the accused or not? Here in the instant case, prima-facie case is made out against the accused-petitioners, therefore charges have been framed against them for the offences under Sections 147, 452, 323 and 302 r/w 149 IPC vide impugned order dated 01.07.2006.

I find no illegality or error apparent on the face of the record and the impugned order dated 01.07.2006 passed by the Additional District & Sessions Judge (Fast Track), Kishangarh-Bas, District Alwar requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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